



Fw: Unimatic Risk Based Notification
Henry Mazzucca to: Coles Phinizy

06/16/2011 01:13 PM

Hi Coles

In addition to Vickie's comments, the attorney for the original owner is a former epa attorney. I don't know if he is just a representative or if he is acting as executor of the estate for the property. Based on discussions with Jim and Vickie it sounds like the original owners (unimatic) are looking to do as little as possible to do the site cleanup. I am concerned that the former epa attorney puts the technical team at a disadvantage and will use his legal knowledge to tie our hands down the road and be able to walk away from the site. From a preliminary review of the risk based plan, clearly there are a number of issues that we now know about that we didn't when this all first started. I would like to prevent their attorney from having such an advantage (not having our lawyers at meetings) and have it impact our ability to get this site cleaned up. Can you assign a lawyer to this case so they can be briefed and participate in this all parties meeting we are looking to have in late July or early August.

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To: Henry Mazzucca/R2/USEPA/US@EPA
Cc: James Haklar/R2/USEPA/US@EPA
Date: 06/16/2011 01:01 PM
Subject: Unimatic Risk Based Notification

Good afternoon Hank -

As we discussed this morning concerning the Unimatic risk-based application, to date there have been numerous technical conversations between EPA PTSB staff and private attorneys who represent both the current and the past owners of the subject property.

At the present time, all of our conversations concerning issues at this site are with legal counsel.

We would like to host a meeting with all the involved parties, both technical and legal, sometime in early August of this year. The primary purpose of this meeting would be to formalize how and to whom we communicate with regarding our concerns with the risk based proposal as it has been submitted. In the past, an EPA attorney would be assigned to review the risk based proposal after it had been reviewed by PTSB staff and an Approval package had been drafted. In this case, however, we would like to request that an EPA attorney be assigned to this case at this time to participate in this meeting with PTSB staff and the attorneys representing the current and previous property owners.

We have the following concerns with the proposal as submitted:

- The risk assessment that was included with the proposal addresses only the "outside" contamination

in the soils at the site and does not address contamination present within the building (the RA has been reviewed and accepted by EPA for the soils at the site). The building is currently occupied.

- The cleanup level identified in the risk assessment does not appear to agree with the rest of the proposed remedy.
- The groundwater is contaminated with PCBs which the proposal does not adequately address.
- The proposal does not address the building on site. The floors and the walls of this building are contaminated with PCBs. Originally, the building was to be addressed in a separate proposal. At this time, however, we believe that the building should be included and that the site should be addressed as a whole from this point forward.

Thank you,

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